UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

PNC BANK, N.A. and	§	
COLUMBIA HOUSING SLP	§	
CORPORATION, as partners in	§	
2013 Travis Oak Creek LP, and	§	
2013 TRAVIS OAK CREEK, LP	§	
	§	
Plaintiffs,	§	
	§	Civil Action No. 1:17-cv-00584-RP
V.	§	
	§	
2013 TRAVIS OAK CREEK GP, LLC,	§	
2013 TRAVIS OAK CREEK	§	
DEVELOPER, INC., CHULA	§	
INVESTMENTS, LTD., and	§	
RENE O. CAMPOS	§	
	§	
Defendants.	§	

DEFENDANTS' OBJECTION TO PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND TO HEARING THEREOF

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

2013 Travis Oak Creek GP, LLC (the "Travis GP"), 2013 Travis Oak Creek Developer, Inc. ("Developer"), Chula Investments, Ltd. ("Chula"), and Rene O. Campos ("Campos") (collectively, "Defendants"), file this Objection to the Plaintiffs' Motion for Temporary Restraining Order and to Hearing Thereof, and respectfully show as follows:

RELEVANT FACTS AND PROCEDURAL BACKGROUND

1. On June 15, 2017, Judge Kinkaid entered an order in this case stating, among other things, the following:

The Court questions whether there is complete diversity in this case, as the members and/or submembers of the limited partnerships and limited liability company parties are not listed. [citations omitted]

2. Defendants have filed a Motion to Dismiss pursuant to Rule 12(b)(1), F.R.Civ.P.

[Doc. 22] because diversity jurisdiction does not exist. That motion and its arguments are

incorporated herein by reference.

3.

The Court entered an order [Doc. 19] in this case – following its transfer to the

Western District last evening on the Motion of Judge Kinkade (who question whether there is

diversity jurisdiction) - setting Plaintiffs' Motion for Temporary Restraining Order and for

Preliminary Injunction for a hearing at 3:30 p.m. on June 16, 2017. The Court is also hearing a

motion for temporary restraining order and for emergency appointment of a receiver at the same

time, in Civil Action No. 1:17-CV-00560-RP, that has been filed by the Plaintiffs in that action.

4. Because subject matter jurisdiction does not exist in this case due to a lack of

diversity of citizenship of the adverse parties, Defendants object to the Motion for Temporary

Restraining Order and any hearing thereof, for want of jurisdiction, although they reserve the

right to respond should the Court not sustain this objection.

PRAYER

WHEREFORE, Defendants pray that the Court sustain these objections, dismissing the

Motion for Temporary Restraining Order for want of subject matter jurisdiction, along with all

such other and further relief to which Defendants are justly entitled.

Respectfully submitted,

/s/ Kenneth B. Chaiken

Kenneth B. Chaiken

State Bar No. 04057800

kchaiken@chaikenlaw.com

CHAIKEN & CHAIKEN, P.C.

Legacy Town Center III

5801 Tennyson Parkway

Plano, Texas 75024

(214) 265-0250 telephone

(214) 265-1537 facsimile

William S. Rhea
State Bar No. 16807100
brhea@dbcllp.com
DuBOIS, BRYANT & CAMPBELL, LLP
303 Colorado Street, Suite 2300
Austin, TX 78701
(512) 457-8000
(512) 457-8008 (Facsimile)

ATTORNEYS FOR PLAINTIFFS 2013 TRAVIS OAK CREEK GP, LLC AND 2013 TRAVIS OAK CREEK, LP

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this *Objection to Motion for Temporary Restraining Order and to Hearing Thereof* has been served upon all counsel of record by electronic service and/or electronic mail on this 16th day of June, 2017.

/s/ Kenneth B. Chaiken

Kenneth B. Chaiken